

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

SHOW ME STATE PREMIUM HOMES LLC, )  
  )  
Plaintiff,                                  )  
v.    ) Case No.  
  )  
GEORGE L. MCDONNELL , )  
Serve: By Publication and Attempt Personal )  
Service at 60 Alpha Drive, )  
Florissant, Missouri 63031, )  
DORIS M. MCDONNELL, )  
Serve: By Publication and Attempt Personal )  
Service at 60 Alpha Drive, )  
Florissant, Missouri 63031, )  
ALAN SOUTH, as Trustee under a certain Deed of )  
Trust,   )  
Serve: By Publication and Attempt Personal )  
Service at in care of Southlaw, P.C., )  
800 Market Street, Suite 1660, )  
St. Louis, Missouri 63101, )  
KRATKY ROAD, INC., as Trustee under a Certain )  
Deed of Trust,                                 )  
Serve: By Publication and Attempt Personal )  
Service at in care of CSC-Lawyers )  
Incorporating Service Company, as )  
Registered Agent, 221 Bolivar, )  
Jefferson City, Missouri 65101, )  
UNITED STATES OF AMERICA, )  
SECRETARY OF HOUSING AND URBAN )  
DEVELOPMENT,                                 )  
Serve: United States Attorney Saylor A. Fleming or )  
his successor, or an assistant United States )  
attorney or clerical employee designated by )  
the United States Attorney in writing filed )  
with the Clerk of the Twenty-third Judicial )  
Circuit Court of Missouri, at Hillsboro, )  
Jefferson County, Missouri (See 28 U.S.C. )  
§ 2410(b)). )

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Thomas Eagleton U.S. Courthouse, )  
111 South Tenth Street, 20th Floor, )  
St. Louis, Missouri 63102, )  
Together with copies of the process and )  
Petition to be mailed, by registered mail, or )  
by certified mail, to Jeffrey A. Rosen, )  
Acting Attorney General of the United )  
States, or his successor, at Washington, )  
District of Columbia, United States )  
Department of Justice (See 28 U.S.C. )  
§ 2410(b)), )  
950 Pennsylvania Avenue, NW, )  
Washington, DC 20530-0001, )  
)  
NATIONAL CITY BANK, )  
Serve: By Publication and Attempt Personal )  
Service at 6750 Miller Road, )  
Brecksville, Ohio 44141, )  
)  
PNC FINANCIAL SERVICES GROUP, INC., )  
as possible successor to National City Bank, )  
Serve: By Publication and Attempt Personal )  
Service at The Tower at PNC Plaza, )  
300 Fifth Avenue, )  
Pittsburgh, Pennsylvania 15222, )  
)  
METROPOLITAN ST. LOUIS SEWER )  
DISTRICT, )  
Serve: 2350 Market Street, )  
St. Louis, Missouri 63103, )  
)  
CITY OF FLORISSANT, MISSOURI, )  
Serve: 955 Rue St. Francois, )  
Florissant, Missouri 63031, )  
)  
All unknown and unnamed persons or entities who )  
are the heirs, grantees, or successors of George L. )  
McDonnell, Doris M. McDonnell, Alan South, as )  
Trustee under a certain Deed of Trust, Kratky Road,)  
Inc., as Trustee under a certain Deed of Trust, )  
National City Bank, or any persons or entities who )  
have, or claim to have, or appear of record as )  
having, an interest, deed of trust, mortgage, lease, )  
lien, claim, title, or estate in the real property and )

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the improvements thereon, if any, located in St. )  
Louis County, Missouri, commonly known as 60 )  
Alpha Drive, Florissant, Missouri 63031, and more )  
particularly described as: )  
 )  
Lot 34 of Rose Ann, a subdivision in St. Louis )  
County, Missouri, as per plat thereof recorded in )  
Plat Book 62 page 4 of the St. Louis County )  
Records, Locator Number 09J530792, )  
 )  
Defendants. )

**PETITION**

**COUNT I**

**QUIET TITLE; TAX SALE CONFIRMATION; AND DECLARATORY JUDGMENT**

COMES NOW Plaintiff, by and through its attorney pursuant to § 140.330, RSMo (a provision of the Jones-Munger Law, Chapter 140, RSMo, authorizing actions to obtain court confirmation of tax deeds), §§ 527.150 to 527.250, RSMo (statutes relating to quiet title actions), Missouri Supreme Court Rule 93.01 (relating to quiet title actions), §§ 527.010 to 527.130, RSMo (the Declaratory Judgment Act), and Missouri Supreme Court Rule 87 (relating to actions for declaratory judgments), and for Count I of this Petition, states:

1. Plaintiff Show Me State Premium Homes LLC is a Missouri limited liability company in good standing authorized to prosecute this action.
2. Upon information and belief, Defendant George L. McDonnell is or was an individual who may claim an interest or appears of record as having an interest in the Property, as that term is defined herein.

3. Upon information and belief, Defendant Doris M. McDonnell is or was an individual who may claim an interest or appears of record as having an interest in the Property, as that term is defined herein.

4. Upon information and belief, Defendant Alan South, as Trustee under a certain Deed of Trust is or was a trustee at relevant times who may claim an interest or appears of record as having an interest in the Property, as that term is defined herein.

5. Upon information and belief, Defendant Kratky Road, Inc., as Trustee under a certain Deed of Trust is or was a trustee at relevant times who may claim an interest or appears of record as having an interest in the Property, as that term is defined herein.

6. Upon information and belief, Defendant United States of America, Secretary of Housing and Urban Development, is a governmental entity that may claim an interest or appears of record as having an interest in the Property, as that term is defined herein.

7. Upon information and belief, Defendant National City Bank is or was an entity that may claim an interest in or appears of record as having an interest in the Property, as that term is defined herein.

8. Upon information and belief, Defendant PNC Financial Services Group, Inc., as a possible successor of Defendant National City Bank, is an entity that may claim an interest in the Property, as that term is defined herein.

9. Upon information and belief, Defendant Metropolitan St. Louis Sewer District is a governmental entity that may claim an interest in the Property, as that term is defined herein.

10. Upon information and belief, Defendant City of Florissant, Missouri, is a governmental entity that may claim an interest in the Property, as that term is defined herein.

11. The unknown and unnamed Defendants are unknown and unnamed persons or entities who are the heirs, grantees or successors of George L. McDonnell, Doris M. McDonnell, Alan South, as Trustee under a certain Deed of Trust, Kratky Road, Inc., as Trustee under a certain Deed of Trust, National City Bank, or any persons or entities who have, or claim to have, or appear of record as having, an interest, deed of trust, mortgage, lease, lien, claim, title or estate in the real property and the improvements thereon, if any (hereinafter sometimes referred to as the "Property"), located in St. Louis, Missouri, commonly known as 60 Alpha Drive, Florissant, Missouri 63031, and more particularly described as:

Lot 34 of Rose Ann, a subdivision in St. Louis County, Missouri, as per plat thereof recorded in Plat Book 62 page 4 of the St. Louis County Records.

Locator Number 09J530792

12. This quiet title action relates to real property located in St. Louis County, Missouri. Venue lies in this Court; further, this Court has subject matter jurisdiction over this matter.

13. By instrument recorded on or about August 12, 1959 in Book 4128 Page 388 of the St. Louis County Records, the Property was conveyed to Defendants George L. McDonnell and Doris M. McDonnell, husband and wife.

14. By Adjustable-Rate Home Equity Conversion Deed of Trust dated on or about February 16, 2005 and recorded on or about February 28, 2005 in Book 16384 Pag 1795 of the St. Louis County Records, by Defendants George L. McDonnell and Doris M. McDonnell, his wife, to Alan South, as Trustee for Wells Fargo Bank, N.A., to secure indebtedness in the amount of \$185,250.00, interest and other charges as are specified therein.

15. By Corporate Assignment of Deed of Trust dated on or about August 10, 2015 and recorded on or about August 13, 2015 in Book 21636 Page 902 of the St. Louis County Records, Wells Fargo Bank, N.A. assigned the above-referenced Deed of Trust to the Secretary of Housing and Urban Development.

16. By Adjustable Rate Home Equity Conversion Second Deed of Trust dated on or about February 16, 2005 and recorded on or about February 28, 2005 in Book 16384 Pag 1805 of the St. Louis County Records, by Defendants George L. McDonnell and Doris M. McDonnell, his wife, to Senior Official with responsibility for Single Family Mortgage Insurance Programs in the Department of Housing and Urban Development Field Office with jurisdiction over the property described below, or a designee of that Official, as Trustee for Secretary of Housing and Urban Development, to secure indebtedness in the amount of \$185,250.00 and interest and other charges specified therein.

17. By Deed of Trust dated on or about December 23, 2008 and recorded on or about February 19, 2009 in Book 18224 Page 1078 of the St. Louis County Records, executed by Defendants Doris M. McDonnell and George L. McDonnell, wife and husband, to Kratky Road, Inc., as Trustee for the benefit of National City Bank, to secure indebtedness in the maximum principal amount of \$20,000.00 and interest and other charges specified therein. NOTE: The above-referenced Deed of Trust may secure future advances and/or future obligations.

18. Available information indicates that in 2008 National City Bank was acquired by PNC Financial Services Group Inc.

19. By Notice of Lien for Non-payment of Sewer Service Charges dated on or about May 10, 2018 and recorded on or about May 10, 2018 in Book 23020 Page 2122 of the St. Louis County

Records, Defendant Metropolitan St. Louis Sewer District gave notice of a lien against the Property in the amount of \$413.47 and such other charges as may be specified therein.

20. By Tax Sale Certificate of Purchase No. 09J530792 dated on or about August 26, 2019 and recorded on or about October 2, 2019 in Book 23721 Page 1409 of the St. Louis County Records, Mark R. Devore, the Collector of Revenue of St. Louis County, Missouri, transferred a tax interest in the Property to Missouri Bond Company LLC.

12. By Collector's Deed dated on or about November 30, 2020 and recorded on or about December 11, 2020 in Book 24293, Page 0202 of the St. Louis County Land Records, Mark R. Devore, the Collector of Revenue of St. Louis County, Missouri, as Grantor, conveyed the Property to Missouri Bond Company, LLC.

13. By Quit Claim Deed dated on or about November 12, 2020 and recorded on or about December 23, 2020 in Book 24532, Page 4409 of the St. Louis County Land Records, Missouri Bond Company, LLC conveyed the Property (with other property) to Plaintiff Show Me State Premium Homes LLC.

13. The foreclosure of the State of Missouri's lien for delinquent taxes at the first offering tax sale on the fourth Monday in August 2019 and the failure of the Defendants to redeem their interests in the Property in a timely manner extinguished the interests of the Defendants in the Property.

14. Plaintiff Show Me State Premium Homes LLC claims and is vested with the fee simple title to the Property, unencumbered by any deeds of trust, mortgages, leases, liens, claims, or encumbrances of the Defendants, but subject to the prior valid recorded covenants running with the land and to valid easements of record or in use encumbering the Property.

WHEREFORE, Plaintiff prays that this Court enter a Judgment, Order and Decree to find, adjudge, order and decree that:

A. Plaintiff is vested with fee simple title in and to the Property described below, commonly known as 60 Alpha Drive, Florissant, Missouri 63031:

Lot 34 of Rose Ann, a subdivision in St. Louis County, Missouri, as per plat thereof recorded in Plat Book 62 page 4 of the St. Louis County Records.

Locator Number 09J530792

B. The interests of the Defendants in the Property described above were extinguished by the foreclosure of the State of Missouri's lien for the payment of real estate taxes through the first offering tax sale of said real estate on the fourth Monday in August 2019 and the failure of the Defendants to redeem their interests in the Property in a timely manner.

C. That if this Court finds that Plaintiff is not entitled to all the relief requested above, that this Court should grant Plaintiff such combination of relief requested as this Court deems appropriate.

D. A certified copy of the Judgment and Decree of this Court should be recorded in the Office of the Recorder of Deeds of St. Louis County, Missouri, pursuant to § 511.320, RSMo.

E. That Plaintiff should be awarded its costs and such other relief as is meet and just.

**COUNT II**

**EJECTMENT**

COMES NOW Plaintiff, by and through its attorney pursuant to Section 140.580, RSMo, Chapter 524, RSMo, and Missouri Supreme Court Rule 89, and for Count II of this Petition directed against all the Defendants named herein, states:

1. Plaintiff realleges, restates and incorporates by reference the allegations stated in Count I of this Petition into Count II of this Petition, as if such were fully set forth herein.
2. That by virtue of the Collector's Deed dated on or about November 30, 2020 and recorded on or about December 11, 2020 in Book 24293, Page 0202 of the St. Louis County Land Records and the Quit Claim Deed dated on or about November 12, 2020 and recorded on or about December 23, 2020 in Book 24532, Page 4409 of the St. Louis County Land Records, Plaintiff became entitled to bring this ejectment action for possession of the Property under Section 140.580, RSMo. Since the time of the delivery of said deed, Plaintiff has been entitled to possession of the Property.
3. Demand for possession of the Property is hereby made against all the Defendants named herein, or if such demand has been previously made, such demand is reiterated against such Defendants.
4. As a result of said denial of possession, Plaintiff may suffer damages, including, without limitation, costs of holding title to the Property and loss of use of the Property.

WHEREFORE, Plaintiff prays that this Court enter a Judgment and Decree to find, adjudge, and decree that:

- A. That Plaintiff should be granted restitution of possession of the Property.  
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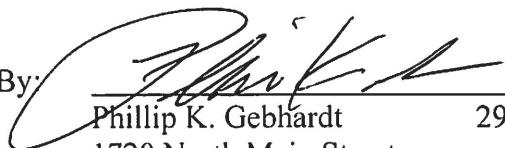
B. That Plaintiff should be awarded reasonable damages to compensate for the damages suffered, if any.

C. That Plaintiff should be awarded its/his/her/their\* costs and such other relief as is meet and just.

Respectfully submitted,

GEBHARDT REAL ESTATE AND LEGAL SERVICES, LLC

By:

  
Phillip K. Gebhardt 29569  
1720 North Main Street  
P.O. Box 340  
De Soto, Missouri 63020  
(636) 586-4545  
St. Louis Telephone (636) 337-0615  
Email phil.gebhardt@lienfunds.com  
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing was filed electronically with the Court on January 22, 2021, with the original signed as indicated on said copy.

